



## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 85/SC59K03WO/WO	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/002494	International filing date (day/month/year) 11 March 2003 (11.03.2003)	Priority date (day/month/year) 11 March 2002 (11.03.2002)
International Patent Classification (IPC) or national classification and IPC B64D 9/00		
Applicant TELAIR INTERNATIONAL AB		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
- ☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 4 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☐ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 15 July 2003 (15.07.2003)	Date of completion of this report 11 June 2004 (11.06.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/002494

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
 pages 2-60, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages 1, filed with the letter of 19 May 2004 (19.05.2004)
- ☒ the claims:  
 pages 2-18, 19(in part), 21(in part), 22-47, 48(in part), 50(in part), 51-58, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages 1,19(in part),20,21(in part),48(in part), 49, 50(in part), filed with the letter of 19 May 2004 (19.05.2004)
- ☒ the drawings:  
 pages 1/23-23/23, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/002494

## III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☒ the entire international application.

☐ claims Nos. \_\_\_\_\_

because:

☐ the said international application, or the said claims Nos. \_\_\_\_\_  
relate to the following subject matter which does not require an international preliminary examination (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 1-19, 21, 23-40, 42-54, 56, 57  
are so unclear that no meaningful opinion could be formed (*specify*):

See supplemental box

☐ the claims, or said claims Nos. \_\_\_\_\_ are so inadequately supported  
by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claims Nos. 20, 22, 41, 55, 58.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: III.1

**Non-establishment of opinion with regard to novelty,  
inventive step and industrial applicability**

Although claims 1, 16, 21, 30, 39 and 50 are drafted as separate independent claims, they seem in fact to relate to the same subject matter, the only apparent difference being in the definition of the subject matter for which protection is sought. The claims are therefore not concise. Moreover, the claims display an overall lack of clarity because the number of independent claims makes it difficult, if not impossible, to identify the subject matter for which protection is sought, and it is therefore unreasonably difficult for third parties to determine the scope of protection.

The obscurities are considerably aggravated by the fact that the independent claims attempt to define the subject matter in terms of the result to be achieved, but in so doing merely state the problem to be solved. For example, the transfer device is defined mainly as being suitable for moving the unit load in the transverse and longitudinal directions relative to the aircraft axis. On the other hand, no technical features which effect this particular suitability are specified.

However, installations which include transfer of the cargo from an external transport unit onto a conveyor belt located in the cargo hold of the aircraft are known from the prior art (see, for example, the document EP-A-0 263 540 (Boeing, 13 April 1988)). That document describes a transfer device (doorway transfer unit) which moves the cargo transversely and longitudinally relative to the aircraft axis in the region of the doorway of the hold and transports it further from the external transport device through the doorway and deposits it on the conveyor belt

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: III.1

inside the cargo hold (column 5, line 32 to column 6, line 23). The document EP-A-0 263 540 therefore already solves the problem of transferring air freight from a transport system outside the aircraft to a transport system inside the aircraft.

The text of the independent claims does not appear to contain a common technical feature of the loading system and/or the transfer device which makes the latter particularly suitable for unit loads. Consequently, such a feature, which brings about the desired result of longitudinal and transverse transport of the unit loads in the region of the cargo hold doorway, does not appear to make an inventive contribution to the above-mentioned prior art either.

The claims are therefore so unclear that an examination is not possible.